

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

MONDAY, THE 13TH AUGUST 2007 / 22ND SRAVANA 1929

WP(C).No. 36326 of 2003(Y)

PETITIONER:

NEW MURUGA OIL MILLS,
REPRESENTED BY ITS PROPRIETOR, K.MANOCHARAN,
AGED 42 YEARS, S/O. CHATHU, JESNA VILLA,
TEMPLE GATE P.O., THALASSERY.

BY ADV. SRI.T.M.ABDUL LATHEEF

RESPONDENTS:

1. ASSISTANT EXECUTIVE ENGINEER,
ELECTRICAL MAJOR SECTION, THALASSERY.
2. KERALA STATE ELECTRICITY BOARD,
REPRESENTED BY ITS SECRETARY, VYDYUTHI BHAVAN,
THIRUVANANTHAPURAM.

BY ADV. SRI. C.K. KARUNAKARAN, SC, KSEB

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 13/08/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 TRUE COPY OF THE ORDER NO. DB/THEFT OF ENERGY/97-98 DATED 11.2.1998 ISSUED BY THE FIRST RESPONDENT.

EXT.P2 TRUE COPY OF THE BILL NO. E8 DATED 11.2.1998.

EXT.P3 TRUE COPY OF THE LETTER DATED 5.3.1998 OF THE FIRST RESPONDENT.

EXT.P4 TRUE COPY OF THE FIR NO. 76/1998 DATED 12.2.1998 OF THE THALASSERY POLICE STATION.

EXT.P5 TRUE COPY OF THE LETTER NO. DB/THEFT OF ENERGY/97-98 DATED 11.2.1998 OF THE FIRST RESPONDENT.

EXT.P6 TRUE COPY OF JUDGMENT DATED 2.3.1998 PASSED BY THIS HONOURABLE COURT IN OP NO. 3060 OF 1998

EXT.P7 TRUE COPY OF THE JUDGMENT DATED 27.3.1998 PASSED BY THIS HONOURABLE COURT IN OP NO. 6081 OF 1998

EXT.P8 TRUE COPY OF JUDGMENT DATED 7.1.2003 PASSED BY THE JUDICIAL FIRST CLASS MAGISTRATE COURT, THALASSERY.

EXT.P9 TRUE COPY OF THE PETITION DATED 15.9.2003 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.

RESPONDENTS' EXHIBITS: NIL

TRUE COPY

P.S. TO JUDGE.

C.N.RAMACHANDRAN NAIR,J.

W.P.C. NO. 36326 OF 2003

Dated this the 13th day of August, 2007

JUDGMENT

Pursuant to inspection in the business premises of the petitioner, penal electricity bill was raised on the petitioner for alleged irregularity. Bill was contested in this Court and this Court did not find any ground to interfere with the same. Exts. P6 and P7 judgments establish the same. Petitioner has also made payment in instalments granted by this Court vide Ext.P7 judgment. This Writ Petition is now filed after getting acquittal in the criminal case on the ground that acquittal entitles the petitioner for refund of the bill amount paid. I do not think petitioner's case can be accepted because acquittal only means that there is no admissible evidence to convict the petitioner. Penal electricity bill has to be separately contested and petitioner contested the same, but without success. In the circumstances, there is no scope for interference. W.P. is accordingly dismissed.

(C.N.RAMACHANDRAN NAIR)
Judge

